

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Frederick L. Bixler et al.	Confirmation No. 5482
Serial No.:	10/752,074	Examiner: Hylton, Robin Annette
Filed:	January 5, 2004	Art Unit: 3781
For:	Tamper Indicating Closure With Foldable Tab	

**Petition Under 37 CFR 1.47(a) to Accept Declaration Without Signatures
of Messrs. Doug Coners and Don Rochow**

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

Petitioner requests waiver under 37 CFR 1.47 of the requirement for two of the four inventors to sign the declaration under 37 CFR 1.63.

Declarations signed by the other two inventors (Frederick L. Bixler and David F. Krueger) on their own behalf and on behalf of Doug Coners and Don Rochow is submitted with the accompanying Petition Under 37 CFR 1.48(a) to Correct Inventorship. It is requested that these declarations be accepted under the provisions of 37 CFR 1.47(a) to prevent irreparable damage in that loss of the valuable patent rights to this invention will occur if such declarations are not accepted.

Attempts have been made to obtain a telephone number, e-mail address and mailing address for Doug Coners and Don Rochow, but such attempts have been unsuccessful. A copy of an affidavit by Kara Helfert regarding the efforts to obtain a telephone number, e-mail address and mailing address for Doug Coners and Don Rochow accompanies this petition.

The last known address for Don Rochow is 252 Aldridge Court, Reading PA 19606. A copy of the application, declaration and cover letter requesting his review of the application and signature on the declaration was sent via U.S. Postal Service (USPS) Certified Mail Return Receipt Requested to Don Rochow at 252 Aldridge Court, Reading PA 19606 and the package was returned with an indication addressee unknown.

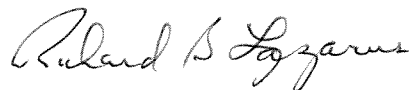
The last known address for Doug Coners is 3580 Cemetary Road, Scottsville, KY 42164. A copy of the application, declaration and cover letter requesting his review of the application and signature on the declaration was sent via U.S. Postal Service (USPS) Certified Mail Return Receipt Requested to Doug Coners at 3580 Cemetary Road, Scottsville, KY 42164. The package was forwarded by the USPS to 120 O Shaw Dr., Foley, MO 63347-3211. A copy of the returned receipt card bearing a signature that appears to read "Tracey L Coners" is attached. The undersigned is continuing to try to reach Mr. Coners at this address, however, at this point it is not certain that he is at this address and no other possible address is known.

Acceptance of the inventors' declaration in accordance with Rule 47 is requested.

Please charge the petition fee prescribed at 37 CFR 1.17(h) to Deposit Account No. 10-0435 (5723-200255). It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (5723-200255).

If there are any further issues that need clarification or correction please telephone the undersigned.

Respectfully submitted,
BARNES & THORNBURG LLP



Richard B. Lazarus
Reg. No. 48,215
Tel. No. (202) 371-6348

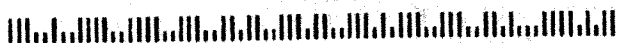
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article.

Mr. L
3580
Scott

CONE580 421642037 1506 10 04/27/07
NOTIFY SENDER OF NEW ADDRESS
CONERS
120 O SHAW DR #
FOLEY MO 63347-3211



Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7006 2150 0001 1204 0261

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

UNITED STATES POSTAL SERVICE

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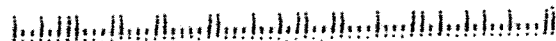
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First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Richard B. Lazarus, Esq.
Barnes & Thornburg LLP
750 17th Street NW
Suite 900
Washington, DC 20006

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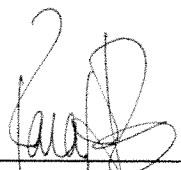
STATEMENT OF KARA HELFERT

I, Kara Helfert, do state as follows:

I am the Legal/Executive Assistant to various Executives and Vice Presidents at Berry Plastics Corporation. My responsibilities include assistance with patent matters.

Don Rochow and Doug Coners left employment at Berry Plastics more than one year ago. I have attempted to contact Messrs. Don Rochow and Doug Coners, but have been unable to locate a current telephone number, e-mail address and mailing address for either of them. The last known address for Doug Coners is 3580 Cemetary Road, Scottsville, KY 42164 and the last know address form Don Rochow is 252 Aldridge Court, Reading PA 19606.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

By:  5/7/07
Kara Helfert